



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, April 24, 2013
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

REGULAR MEETING – 5:30 PM

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Smith	VACANT	VACANT	Ortiz	Jackson	Roberts	Maciel	Adams
✓	✓	■	■	✓	✓	✓	✓	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

Ozzie Gonzalez (12-year-old young man) thanked the Commission for being invited to speak. He said that, unfortunately, wouldn't be seen by the Commission again because he was moving to Washington State. He thanked the Commissioners for their service to the City.

Chairwoman Roberts said his interest in the City was appreciated and that she was sure he would do well in Washington.

Mr. Hauptmann said that Mr. Gonzalez couldn't move to Washington; that he needed to stay in Riverside to be a mentor for the City's youth. He told Mr. Gonzalez he very impressed at his presence at the meeting, at his interest, and the way in which he presented himself. Mr. Hauptmann told him, "I have been around the world and back a few times, and let me tell you, you are a rare, rare type of individual and it just saddens me that you're going to be going away because we could sure use that kind of leadership here with those folks your age. Thank you so much."

Commissioner Adams said she didn't believe that they wouldn't see Mr. Gonzalez again, but that she believed they would see him in a position of power someday.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) March Regular Meeting	Rotker	Smith	Unanimous	0	0
B) April 10 Special Meeting	Rotker	Adams	6	0	Ortiz

Outreach

A) April Outreach

Commissioner Adams:

- April 11 – Good Morning Riverside
- April 15 – Dr. Thompson's Community Relations class at Riverside City College
- April 24 – Walk with the Mayor

Commissioner Smith:

- April 4 – Boards & Commissions Orientation
- April 11 – Good Morning Riverside
- April 13 – Seniors Fling
- April 15 – Dr. Thompson's Community Relations class at Riverside City College
- April 18 – Law Enforcement Appreciation Dinner and Awards Ceremony
- April 19 – participated in a conference on abuse and domestic violence at the Riverside County Regional Medical Center
- April 23 – City Council Meeting for the Commission's annual report to Council given by Chairwoman Roberts

Commissioner Maciel:

- April 4 – Boards & Commissions Orientation
- April 8 – Ward 6 Candidates' Forum
- April 18 – Law Enforcement Appreciation Dinner and Awards Ceremony
- April 20 – Veterans' Parade

Commissioner Rotker:

- April 18 – Law Enforcement Appreciation Dinner and Awards Ceremony

Vice-Chair Jackson:

- April 4 – Boards & Commissions Orientation
- April 11 – Good Morning Riverside
- April 15 – Dr. Thompson's Community Relations class at Riverside City College
- April 18 – Law Enforcement Appreciation Dinner and Awards Ceremony
- April 22 – Meeting with Anne Seymour of the Riverside Convention and Visitors Bureau to work on the 2014 NACOLE Conference RFP
- April 23 – City Council Meeting for the Commission's annual report to Council given by Chairwoman Roberts

Commissioner Ortiz:

- March 27 – Inauguration, Greater Chambers of Commerce and received an award for "Business Counsel of the Year"
- April 4 – Inside Downtown through the Chambers of Commerce; Boards & Commissions Orientation
- April 10 – Greater Riverside Advisory Council
- April 11 – Good Morning Riverside

- April 15 – Dr. Thompson's Community Relations class at Riverside City College
- April 24 – Greater Riverside "Dollars for Scholars" Annual Reception

Chairwoman Roberts:

- April 4 – Boards & Commissions Orientation
- April 11 – Good Morning Riverside
- April 18 – Law Enforcement Appreciation Dinner and Awards Ceremony
- NACOLE Finance Meeting
- NACOLE Financial Review Team meeting
- April 23 – CPRC annual report presentation to City Council
- Meetings with Anne Seymour of the Riverside Convention and Visitors Bureau to work on the 2014 NACOLE Conference RFP

Mr. Hauptmann:

- April 18 – Law Enforcement Appreciation Dinner and Awards Ceremony
- April 15 – Dr. Thompson's Community Relations class at Riverside City College

B) Scheduled Outreach Events

Commissioner Adams:

- Gave May events calendar to Ms. Sherron.
- May 3 – 5: Show 'n Go Car Show
- May 3: Bike with the Mayor
- May 4 & 5: 106th Annual Cinco de Mayo Fiesta in Villegas Park and Our Lady of Perpetual Help Fiesta
- May 8: Mayor's Night Out, Stratton Community Center
- May 11: Great American Cleanup
- May 13: Residents for Responsible Representation meeting, Magnolia Station at 6:45 PM

Pastor Vivian Stancil told the Commission that on April 19, there were over 200 families who came to the Community Settlement Association for hygiene products, which CIONO helped supply. They are also doing a back-pack drive and are trying to fill them with the supplies children need for school. She informed the Commission that the Community for the Eastside meets at 5:30 PM on first Thursdays. Also, on May 2 at the Country Club, the Kiwanis' meet and serve a free breakfast. She concluded by saying that CIONO is already taking turkey applications for Thanksgiving and they are also collecting toys for CIONO's "Smiles for Kids" for Christmas.

C) Future Outreach Opportunities

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

Commissioner Ortiz:

- May 9: Fundraiser at the Grier Pavilion for Public Service Law Corporation which operates Riverside Legal Aid

Ms. Sherron told the Commission of a presentation request from Philanthropy Educational Organization for either January or March of 2014.

- 3) Discussion and action, if any, regarding Commissioners attending Community Groups' meetings that conflict with CPRC meetings.

Commissioner Adams began by noting former Commissioner Johnson's suggestion that commissioners attend their ward's community meeting or other community meetings in their neighborhood. Commissioner Adams noted that there are some community meetings that conflict with Commission meetings, specifically the Casa Blanca CAG meetings and the MANA meetings conflict with 2nd Wednesday CPRC meetings, if held. She said it is important for commissioners to try and attend these meetings and felt it should be discussed.

Chairwoman Roberts said CPRC brochures and reports should still be going to libraries and other City facilities.

Vice-Chair Jackson suggested that commissioners who are ward-specific can try to provide a list of community meetings in their wards.

Commissioner Ortiz said he would like to know which neighborhoods have meetings and that it would also be good to have CPRC informational materials in Spanish.

Commissioner Adams said she would try to compile a list of the groups she knows about.

Morris Mendoza said that a group called AIR, meets at the Home of Neighborly Services on the first Wednesday before the CAG meeting.

Bob Garcia said that the Park Advisory Committee meets at Villegas Park on first Thursdays at 5:30 PM.

OLD BUSINESS

Pablo Officer-Involved Death (OID) Case Evaluation

Continued discussion and action, if any, on this OID evaluation. The Commission has completed Stage II (Fact Finding, Request for Training & Investigation) and Stage III (Policy and Procedure Process). Commissioners have been given notice concerning discussion of Stage IV (Deliberation and Finding Process). The Commission may proceed to Stage V (Recommendation Process) and Stage VI (Written Public Report) and may also return to discussion of completed Stages, if needed.

Chairwoman Roberts said that Stages 2 and 3 have been completed and that the rationales for this case have been submitted by the commissioners so that discussion for Stage 4 could begin. She reviewed the California Vehicle Code (CVC) sections and RPD policies that could apply to the case. She then advised that the Commission's decision is based on the preponderance of evidence.

Commissioner Adams said that she found RPD Policy 4.17, Operation of Mobile Equipment, important in the case. She noted that the policy cites CVC 21055, which notes the exemptions to which the driver of an authorized emergency vehicle is entitled.

Chairwoman Roberts noted the RPD Policies discussed so far:

- 4.40 Use of the Mobile Data Terminal
- 4.17 Operation of Mobile Equipment (cites CVC 21055)
- 6.10 Collision Review
- 6.6 Accident Involvement

Vice-Chair Jackson said she approached each of the noted policies separately. She reviewed the investigations thoroughly and is convinced that the cause of the accident was Ms. Pablo's intoxication and failure to look before crossing the street. Vice-Chair Jackson did express concern over the officer's speed, referring to RPD Policy 4.17 Operation of Mobile Equipment, Sec. B, which also cites CVC 21052 that says "employees operating public owned vehicles under ordinary conditions must obey all the provisions of the vehicle code." She stated again, however, that she does not believe the speed at which the officer was travelling was the cause of the accident and that it still would have occurred had the officer been travelling at a slower speed. She noted that while she didn't believe the officer's speed caused the accident, she felt he was out of policy regarding that because he wasn't making an emergency response.

Commissioner Ortiz said that while his thinking was concurrent with Vice-Chair Jackson's concerns, he did not believe the officer's rate of speed was out of policy, noting that experts had concluded that that rate of speed was reasonable. He also noted that the evidence does not indicate that the officer was using the MDT or his cell phone.

Commissioner Adams said that she, too, found the accident to have been caused by Ms. Pablo stepping into street. She said she was troubled by RPD's policy in that officers aren't supposed use the computer while driving. She said she has witnessed that the use of the MDT does interfere. She said she is concerned that RPD doesn't enforce its own policy. She didn't believe MDT use impacted the accident, but said that speed and MDT use should be held to same standard.

Chairwoman Roberts said that, based on this discussion, they would make a finding on each of the noted RPD policies, starting with 4.40. She said she believes Ms. Pablo was the cause of the accident. She also noted that while the speed limit on that part of Madison has been shown that it could be increased, she believes it should be reduced. She said it was conclusive that he couldn't have been typing when Ms. Pablo was seen by him and that this was confirmed by multiple reports. She concluded by noting that she found the officer's actions regarding RPD Policy 4.40 to be within policy.

Commissioner Smith said there is no question that the officer had used the MDT. She said she agreed with the findings of all the experts and could not find that the officer acted outside policy.

Commissioner Rotker said that the investigator said that the speed limit for that street could have easily been established at 40 mph and disagreed that the officer violated policy by travelling 5 mph over the recommended speed limit.

Commissioner Rotker also said that the MDC played no role in the accident. He said it was clear that the officer was not looking at the MDC because he could not have reacted as quickly as he did if he had not been looking straight ahead.

When Chairwoman Roberts again noted that a finding would be made on each respective policy, Commissioner Rotker questioned this. Chairwoman Roberts said this case was not a typical OID that involved the Use of Force Policy 4.30. She said that these policies apply to this incident and that she was hearing from him and the other commissioners that each of these policies had been reviewed and that decisions had been made on each of them.

A lengthy discussion ensued as to whether or not a finding should be made on each policy that had been posted for the Commission's review.

Vice-Chair Jackson said that since four policies were posted for review and discussion she felt the community would have questions the Commission didn't address each one. She said she did not believe the officer was using his MDC when the accident occurred. She also noted that Mr. Bellino said that the first thing that would come to the officer's mind was what he had last done. However, the officer responded too quickly for someone who was being distracted. She said that while she had a concern about the policy and felt it should be reviewed, she could not find that the officer had violated the policy,

Commissioner Adams said she felt the Commission needed to address the MDC issue if for no other reason than the officer said he had been using it, but that the Commission should discuss that during the policy recommendation stage. She again stated her belief that the officer had not been using the MDC and that it was not the cause of the accident.

Mr. Hauptmann said he could understand why there was some confusion. He said that the one thing the Commission needed to do was decide whether or not the officer was the proximate cause of the accident. The commissioners had all voiced their belief that Ms. Pablo was the cause of the accident by being intoxicated and out of the crosswalk. He noted that while the use of the MDC should be reviewed, the Commission should stay focused as to whether or not the officer was the proximate cause.

Chairwoman Roberts said that she didn't believe the officer was the proximate cause, but that Ms. Pablo was. She did, however, believe that the Commission needed to make findings on the policies, too.

Commissioner Maciel advised the public that she had abstained from discussion and action concerning this case because of her recent appointment and had not been present for prior training or discussion.

Chairwoman Roberts said she felt that some commissioners wanted only one policy to be reviewed, while others wanted to review them all.

Mr. Hauptmann said that the Commission should look at the various policies, but that the finding for the final report should be whether or not the officer was the proximate cause.

Vice-Chair Jackson said she understood, but that the noted policies were the stepping stones to the ultimate finding.

Commissioner Rotker said it should be treated like any other OID and a finding made as to whether or not it was within policy. He said the Commission should be able to make a decision at this meeting regarding whether or not the officer was responsible for the accident.

Chairwoman Roberts said that this case is unique and that while everyone agreed that the officer was not responsible, there is a need to know what each commissioner thinks.

Commissioner Adams agreed that an overall decision could be made, after which the Commission could then address the other issues separately. She said she believed there was at least one violation, but that it was not the cause of the accident. She then made the motion that the officer's actions did not cause the accident.

When Chairwoman Roberts asked for the policy section, Commissioner Adams said that that was the problem. She noted that the officer was in violation of the speed limit, by Chairwoman Roberts noted that that was not the cause of the accident.

Commissioner Ortiz seconded the motion.

Vice-Chair Jackson said she was troubled by saying that the officer's actions were within policy when there was no policy on which the motion was based.

Commissioner Ortiz recommended a delay.

Mr. Hauptmann advised that if the Commission voted before public comment, the decision would stand. He suggested that they vote that the officer didn't violate any policies rather than state his actions were within policy.

Commissioner Adams reworded her motion to say that the officer was not the cause of the accident, but then withdrew the motion.

Chairwoman Roberts said they would finish discussion and then have public comment, but as there was some question as to when public comment could be heard, she had a short recess at 7:06 PM in order to check the CPRC Policies & Procedures prior to moving forward.

At 7:13 PM, Chairwoman Roberts called the meeting back to order. She advised that discussion needed to be concluded and then she would take public comment.

As there was no additional discussion, Chairwoman Roberts suggested that the motion state whether or not the officer was the proximate cause of the accident. She then called for public comment.

Paul Chavez said he knew this would be a hard decision and to determine what really transpired. Could the incident be prevented; was the officer on the MDT. It seemed that he was, but nothing was said about when he was on it. The officer was going over speed limit.

Deborah Wong said that her comments have to do with what happens after a finding. She said that RPD needs a stronger policy on the use of MDTs. She said that when a patrol car is in motion, the MDT shouldn't be used. She also thanked Mr. Hauptmann for posting other policies and referred to Maywood's

Policy 4.48. She also noted that it would be appreciated if RPD could make their policies and procedures available to public with the exception to those that would endanger officers.

Bill Howe recommended that RPD tighten up its MDT policy.

Morris Mendoza said he thought that the Commission shouldn't vote on the policy itself. He said he was confused about the use of the MDT and had thought the officer had been using it, but now learned that he couldn't have been using it. He said he didn't want people to think that the situation was the police against Casa Blanca and that he thought the Commission was doing a good job at finding the facts and getting the answers.

Bob Garcia thanked the commissioners for all the work they had done. He said that the public needs to know how they arrived at their finding.

As there were no other public comments, Chairwoman Roberts called for the vote.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Officer Boulerville's actions on the morning of May 13, 2012, were not the proximate cause of Ms. Isabel Pablo's death	Ortiz	Adams	Rotker Smith Ortiz Jackson Roberts Adams	0	Maciel

Chairwoman Roberts now moved to policy recommendations.

Commissioner Ortiz said he would like to recommend that RPD tighten up its MDT policy, using Monrovia's and Maywood's 4.48 as an example.

Commissioner Rotker said commissioners should submit their recommendations prior to the next meeting.

Chairwoman Roberts said she thought she had asked for recommendations as some commissioners have already looked at the policies.

Vice-Chair Jackson noted that the commissioners hadn't yet seen each other's rationales. She said that she has two recommendations: one regarding MDT use and the other that, in order to add transparency, the RPD use an outside agency to investigate accidents of this nature.

Mr. Hauptmann advised the Commission that the Monrovia and Maywood Policy 4.48 came from Lexipol and that the language used is the standard for all departments using Lexipol. He noted that RPD is looking at using Lexipol and that the policies are based on current law and case law. He suggested that should the Commission make a recommendation, that they also make a recommendation as to the wording.

Commissioner Adams agreed that the policy language needed to be tightened up.

Chairwoman Roberts said that her recommendations aren't as specific, but that she would recommend that RPD review the policies from other agencies and that she wanted to know why they refused to revise the policy. She wanted to recommend that RPD follow all recommended speed limits. She noted that there are numerous facilities along Madison that are accessed by pedestrians and that the area should be similar to schools or playgrounds where speed is decreased. She said that, with all the activity in the area, the speed limit of 35 mph is too high.

Commissioner Ortiz said that the policy is vague and that the Department would benefit by adopting a clearer policy and provide training consistent with that.

Commissioner Smith agreed that there should be a policy recommendation. She said she was familiar with that area and always sees pedestrians. She also agreed that it would be in RPD's best interest to advocate a reduction of the speed limit in that area.

Commissioner Maciel said she would also like to know why RPD wouldn't change the policy.

Mr. Hauptmann said the Commission could make a recommendation to the traffic engineer and ask RPD to advocate a speed limit change.

Chairwoman Roberts asked commissioners to submit the recommendations to Staff so they can be discussed at the next meeting.

Romo Officer-Involved Death (OID) Case Evaluation

Continued discussion and action, if any, on this OID evaluation. The Commission has completed Stage II (Fact Finding, Request for Training & Investigation) and Stage III (Policy and Procedure Process). Commissioners have been given notice concerning discussion of Stage IV (Deliberation and Finding Process). The Commission may proceed to Stage V (Recommendation Process) and Stage VI (Written Public Report) and may also return to discussion of completed Stages, if needed.

Chairwoman Roberts asked Commissioners to submit their rationales for Romo, including recommendations, at least a week before the next regular meeting. She said that if they had completed the Romo rationale, they could begin their review and evaluation of Ledezma.

NEW BUSINESS

Change of Regular Meeting Date Due to Occasional Event Conflicts

Discussion and action, if any, regarding changing a Regular Meeting from the scheduled 4th Wednesday of the month to the 2nd Wednesday when a community event or conference is being held that creates a conflict with the scheduled Regular Meeting.

Chairwoman Roberts advised that the upcoming NACOLE Conference conflicts with the September Regular meeting and wanted to discuss a change of the regular meeting date for that month.

Commissioner Ortiz said that Wednesdays are the most popular night for all the groups he's involved with and suggested considering a different night.

Ms. Sherron advised that the CPRC has the Council Chambers reserved on the 2nd and 4th Wednesdays of the month and that changing to different night could be problematic as there are now more groups using the Council Chambers.

Commissioner Rotker said he didn't know why this had been agendized because the Commission has the ability to change the date without being in violation of its By-Laws.

Commissioner Smith noted that Mayor's Night Out conflicts with the May 8th CPRC meeting. Chairwoman Roberts said that a decision had been made that the May 8th meeting would not be held due to that conflict.

Commissioner Adams said that there are other community group meetings on the 2nd Wednesday and that it would be good if commissioners could attend the Casa Blanca meeting.

Staff Report

Mr. Hauptmann informed the Commission that Antonio Ybarra and Robert Taylor were appointed on Monday to fill the CPRC vacancies. He said that, due to all the work that went into the NACOLE RFP, there was no opportunity to invite them to this meeting.

Mr. Hauptmann also noted that Chairwoman Roberts, Vice-Chair Jackson, and Ms. Sherron did a phenomenal job on completing the NACOLE RFP and that the work that went into it was unbelievable.

Commissioner Maciel acknowledged the work done on the RFP and said it would be great if Riverside is selected to host the 2014 NACOLE Conference.

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Vice-Chair Jackson apologized to Commissioner Rotker about not being able to attend the Policy and Procedure meeting today, noting that the work on the NACOLE 2014 RFP had really taken a lot of her time.

Items for Future Commission Consideration

There were no items recommended for future Commission consideration.

Adjournment

The Commission adjourned at 8:00 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist